


Danner.ward@epa.gov

Records Internet site: <http://www.epa.gov/records>

Records intranet site: <http://intranet.epa.gov/records>

 Please consider the environment before printing this email.

From: Armsey, Steven

Sent: Thursday, October 27, 2016 1:45 PM

To: Johnson, Ivry <Johnson.Ivry@epa.gov>; Danner, Ward <DANNER.WARD@EPA.GOV>

Subject: RE: EPA-R9-2017-000620

Ivry / Ward: The way I read it, this request is not for information kept by anyone in ORC. My best interpretation would be that this requester wants to know if there have been any calls ("complaints") to any of EPA's tip lines from people who have worked at Edwards Air Force Base (which is where Area 51 is located). Specifically, the request says: "...information about any complaints from persons who claim to have worked at Area 51."

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Sent: Thursday, October 27, 2016 11:13 AM

To: Johnson, Ivry <Johnson.Ivry@epa.gov>

Cc: Armsey, Steven <Armsey.Steven@epa.gov>

Subject: EPA-R9-2017-000620

I think this should go to ORC.

Ward Danner, FOIA Coordinator


Toeroek Inc

Contract support for EPA Region 9 Regional Records Center
415-947-4596

Danner.ward@epa.gov

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Please assign it to whoever is next on the random FOIA list.

Thanks.

Dusty

Dustin F. Minor
Chief, Hazardous Waste Branch
Office of Regional Counsel
(415) 972-3888

From: Armsey, Steven
Sent: Thursday, November 03, 2016 9:50 AM
To: Southern, Stephen <Southern.Stephen@epa.gov>
Cc: Johnson, Ivry <Johnson.Ivry@epa.gov>; Danner, Ward <DANNER.WARD@EPA.GOV>; Minor, Dustin <Minor.Dustin@epa.gov>
Subject: FW: EPA-R9-2017-000620 [FOIA]

To: Stephen Southern
From: Steven Armsey

Forwarding your query to ORC Haz Waste Branch Chief,
Dustin Minor, for assignment to appropriate site attorney.

Thanks.

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Cc: Johnson, Ivry <Johnson.Ivry@epa.gov>
Subject: RE: EPA-R9-2017-000620

Steven,

Is this Determination still in force?

Stephen

From: Danner, Ward
Sent: Thursday, November 03, 2016 8:28 AM
To: Southern, Stephen <Southern.Stephen@epa.gov>
Subject: FW: EPA-R9-2017-000620

Ward Danner, FOIA Coordinator
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From: Minor, Dustin
Sent: Thursday, November 03, 2016 12:28 PM
To: Tolentino, Corazon <Tolentino.Corazon@epa.gov>
Subject: FW: EPA-R9-2017-000620 [FOIA]

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Southern, Stephen

From: Southern, Stephen
Sent: Tuesday, November 15, 2016 2:21 PM
To: Sugerman, Rebecca
Subject: RE: EPA-R9-2017-000620 [FOIA]

Thank you, Rebecca. I'll pass this on.

From: Sugerman, Rebecca
Sent: Tuesday, November 15, 2016 2:20 PM
To: Southern, Stephen <Southern.Stephen@epa.gov>
Subject: RE: EPA-R9-2017-000620 [FOIA]

My read of the determination is that we can't give out classified information regarding the operating location. I don't see how stating that we don't have records responsive to a FOIA is giving out that kind of information, but I'm open to argument if she sees something I'm missing.

I hereby exempt the Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person.

From: Southern, Stephen
Sent: Tuesday, November 15, 2016 2:16 PM
To: Sugerman, Rebecca <Sugerman.Rebecca@epa.gov>
Subject: RE: EPA-R9-2017-000620 [FOIA]

Rebecca,

Mindy wants to know if we are even allowed to respond to the Area 51 FOIA based on Clinton's Determination.

Stephen

From: Sugerman, Rebecca
Sent: Tuesday, November 15, 2016 9:25 AM
To: Southern, Stephen <Southern.Stephen@epa.gov>
Subject: RE: EPA-R9-2017-000620 [FOIA]

Concur, thanks.

From: Southern, Stephen
Sent: Thursday, November 10, 2016 2:46 PM
To: Sugerman, Rebecca <Sugerman.Rebecca@epa.gov>
Subject: RE: EPA-R9-2017-000620 [FOIA]

Rebecca,

So, I've checked with the Library and with Harry Allen. No information. Debbie at the Library did give me a copy of an email and it appears this FOIA has also been looked at by ERS, LND, ENF, and now SFD.

I'm comfortable closing it out as a No Responsive Records.

Do you concur?

Stephen

From: Sugerman, Rebecca
Sent: Tuesday, November 08, 2016 11:54 AM
To: Southern, Stephen <Southern.Stephen@epa.gov>
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From: Tolentino, Corazon
Sent: Thursday, November 03, 2016 12:51 PM
To: Sugerman, Rebecca <Sugerman.Rebecca@epa.gov>
Cc: Minor, Dustin <Minor.Dustin@epa.gov>; Southern, Stephen <Southern.Stephen@epa.gov>
Subject: FW: EPA-R9-2017-000620 [FOIA]

Rebecca, you are next on the list for random FOIA assignment.

Thanks!
Corazon (Cora) Tolentino
HWB Secretary
Office of Regional Counsel
Mail Code: ORC-3
415-972-3879/FAX 415-947-3570

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To: Sugerman, Rebecca
Cc: Minor, Dustin; Southern, Stephen
Subject: FW: EPA-R9-2017-000620 [FOIA]
Attachments: Presidential Determination No. 95-45, 1995.pdf

Rebecca, you are next on the list for random FOIA assignment.

Thanks!

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Mail Code: ORC-3
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From: Southern, Stephen
Sent: Tuesday, November 08, 2016 11:31 AM
To: Sugerman, Rebecca
Subject: FOAI -000620, Area 51

Rebecca,

Have you had a chance to look at the Determination letter yet?

Stephen Southern
U.S. Environmental Protection Agency - Region 9
Brownfields & Site Assessment Section
Superfund Division
75 Hawthorne Street (SFD-6-1)
San Francisco, CA 94105
415-972-3215

Southern, Stephen

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To: Sugerman, Rebecca
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I just got off the phone with the requester. He's looking for "Persons calling to complain about exposure to hazardous materials in last 10 years at Area 51."

I'm not sure Superfund tracks this kind of information. I'll ask Harry Allen.

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To: Southern, Stephen <Southern.Stephen@epa.gov>
Subject: RE: EPA-R9-2017-000620 [FOIA]

I found annual determinations from 1995 to 2003, and nothing more recent. I don't see anything revoking it though.

Here is the summary of the Frost case referenced:

Former workers sought declaratory and injunctive relief, as well as civil penalties, for violations of the RCRA with regard to the storage and handling of hazardous waste at a facility at which they had been employed. The officials moved for summary judgment, contending that national security prevented the workers from establishing a prima facie case as to any of their alleged claims. The court granted the motion, holding that the officials had properly claimed the military and state secrets privilege over information by means of formal declarations, and that, additionally, the privilege, as invoked, covered various items of discovery requested by the former workers. The court thus ruled that the workers could not establish their case, and the officials were entitled to summary judgment because the privilege was absolute in scope. The court determined that the policy of neither confirming nor denying that hazardous waste had been stored or treated at the facility was proper given that such information was included within the ambit of the asserted state secrets privilege.

From: Tolentino, Corazon
Sent: Thursday, November 03, 2016 12:51 PM
To: Sugerman, Rebecca <Sugerman.Rebecca@epa.gov>

Cc: Minor, Dustin <Minor.Dustin@epa.gov>; Southern, Stephen <Southern.Stephen@epa.gov>
Subject: FW: EPA-R9-2017-000620 [FOIA]

Rebecca, you are next on the list for random FOIA assignment.

Thanks!
Corazon (Cora) Tolentino
HWB Secretary
Office of Regional Counsel
Mail Code: ORC-3
415-972-3879/FAX 415-947-3570

From: Minor, Dustin
Sent: Thursday, November 03, 2016 12:28 PM
To: Tolentino, Corazon <Tolentino.Corazon@epa.gov>
Subject: FW: EPA-R9-2017-000620 [FOIA]

Cora,

Please assign it to whoever is next on the random FOIA list.

Thanks.
Dusty

Dustin F. Minor
Chief, Hazardous Waste Branch
Office of Regional Counsel
(415) 972-3888

From: Armsey, Steven
Sent: Thursday, November 03, 2016 9:50 AM
To: Southern, Stephen <Southern.Stephen@epa.gov>
Cc: Johnson, Ivry <Johnson.Ivry@epa.gov>; Danner, Ward <DANNER.WARD@EPA.GOV>; Minor, Dustin <Minor.Dustin@epa.gov>
Subject: FW: EPA-R9-2017-000620 [FOIA]

To: Stephen Southern
From: Steven Armsey

Forwarding your query to ORC Haz Waste Branch Chief,
Dustin Minor, for assignment to appropriate site attorney.

Thanks.

From: Southern, Stephen
Sent: Thursday, November 03, 2016 9:21 AM
To: Danner, Ward <DANNER.WARD@EPA.GOV>; Armsey, Steven <Armsey.Steven@epa.gov>
Cc: Johnson, Ivry <Johnson.Ivry@epa.gov>
Subject: RE: EPA-R9-2017-000620

Southern, Stephen

From: Southern, Stephen
Sent: Tuesday, November 15, 2016 9:30 AM
To: Sugerman, Rebecca
Subject: RE: EPA-R9-2017-000620 [FOIA]

Thanks.

From: Sugerman, Rebecca
Sent: Tuesday, November 15, 2016 9:25 AM
To: Southern, Stephen <Southern.Stephen@epa.gov>
Subject: RE: EPA-R9-2017-000620 [FOIA]

Concur, thanks.

From: Southern, Stephen
Sent: Thursday, November 10, 2016 2:46 PM
To: Sugerman, Rebecca <Sugerman.Rebecca@epa.gov>
Subject: RE: EPA-R9-2017-000620 [FOIA]

Rebecca,

So, I've checked with the Library and with Harry Allen. No information. Debbie at the Library did give me a copy of an email and it appears this FOIA has also been looked at by ERS, LND, ENF, and now SFD.

I'm comfortable closing it out as a No Responsive Records.

Do you concur?

Stephen

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waste had been stored or treated at the facility was proper given that such information was included within the ambit of the asserted state secrets privilege.

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Sent: Thursday, November 03, 2016 12:51 PM

To: Sugerman, Rebecca <Sugerman.Rebecca@epa.gov>

Cc: Minor, Dustin <Minor.Dustin@epa.gov>; Southern, Stephen <Southern.Stephen@epa.gov>

Subject: FW: EPA-R9-2017-000620 [FOIA]

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Thanks!

Corazon (Cora) Tolentino

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Office of Regional Counsel

Mail Code: ORC-3

415-972-3879/FAX 415-947-3570

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Dustin F. Minor

Chief, Hazardous Waste Branch

Office of Regional Counsel

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To: Southern, Stephen <Southern.Stephen@epa.gov>

Cc: Johnson, Ivry <Johnson.Ivry@epa.gov>; Danner, Ward <DANNER.WARD@EPA.GOV>; Minor, Dustin <Minor.Dustin@epa.gov>

Subject: FW: EPA-R9-2017-000620 [FOIA]

To: Stephen Southern

From: Steven Armsey

Forwarding your query to ORC Haz Waste Branch Chief, Dustin Minor, for assignment to appropriate site attorney.

Thanks.

Southern, Stephen

From: Southern, Stephen
Sent: Tuesday, November 15, 2016 2:54 PM
To: Mindy Clements (clements.mindy@epa.gov)
Subject: FW: EPA-R9-2017-000620 [FOIA]

Mindy,

Please see Rebecca's response below.

Ward Danner (LND) is preparing the actual letter that goes to the requester. The Adequacy of Search Certification is an internal document.

Stephen

From: Sugerman, Rebecca
Sent: Tuesday, November 15, 2016 2:20 PM
To: Southern, Stephen <Southern.Stephen@epa.gov>
Subject: RE: EPA-R9-2017-000620 [FOIA]

My read of the determination is that we can't give out classified information regarding the operating location. I don't see how stating that we don't have records responsive to a FOIA is giving out that kind of information, but I'm open to argument if she sees something I'm missing.

I hereby exempt the Air Force's operating location near Groom Lake, Nevada from any Federal, State, interstate or local provision respecting control and abatement of solid waste or hazardous waste disposal that would require the disclosure of classified information concerning that operating location to any unauthorized person.

From: Southern, Stephen
Sent: Tuesday, November 15, 2016 2:16 PM
To: Sugerman, Rebecca <Sugerman.Rebecca@epa.gov>
Subject: RE: EPA-R9-2017-000620 [FOIA]

Rebecca,

Mindy wants to know if we are even allowed to respond to the Area 51 FOIA based on Clinton's Determination.

Stephen

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Rebecca,

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